



General Assembly

February Session, 2004

Raised Bill No. 352

LCO No. 1525

01525_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING THE PREFERRED DRUG LIST.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-274d of the general statutes, as amended by
2 section 19 of public act 03-2, section 63 of public act 03-278 and section
3 83 of public act 03-3 of the June 30 special session, is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

5 (a) Pursuant to 42 USC 1396r-8, there is established a Medicaid
6 Pharmaceutical and Therapeutics Committee within the Department of
7 Social Services. Said committee shall convene on or before March 31,
8 2003.

9 (b) The Medicaid Pharmaceutical and Therapeutics Committee shall
10 be comprised as specified in 42 USC 1396r-8 and shall consist of
11 [fourteen members appointed by the Governor.] twenty members.
12 Fourteen members shall be appointed by the Governor as follows: Five
13 members shall be physicians licensed pursuant to chapter 370,
14 including one general practitioner, one pediatrician, one geriatrician,
15 one psychiatrist and one specialist in family planning; [] four members
16 shall be pharmacists licensed pursuant to chapter 400j; [] two

17 members shall be visiting nurses, one specializing in adult care and
18 one specializing in psychiatric care; [.] one member shall be a clinician
19 designated by the Commissioner of Mental Health and Addiction
20 Services; [.] one member shall be a representative of pharmaceutical
21 manufacturers and one member shall be a consumer representative.
22 Two members shall be appointed by the president pro tempore of the
23 Senate, two members shall be appointed by the speaker of the House
24 of Representatives, one member shall be appointed by the minority
25 leader of the Senate and one member shall be appointed by the
26 minority leader of the House of Representatives. The committee may,
27 on an ad hoc basis, seek the participation of other state agencies or
28 other interested parties in its deliberations. The members shall serve
29 for terms of two years from the date of their appointment. Members
30 may be appointed to more than one term. The Commissioner of Social
31 Services, or the commissioner's designee, shall convene the committee
32 following the [Governor's] designation of appointments. The
33 administrative staff of the Department of Social Services shall serve as
34 staff for said committee and assist with all ministerial duties. The
35 Governor shall ensure that the committee membership includes
36 Medicaid participating physicians and pharmacists, with experience
37 serving all segments of the Medicaid population.

38 (c) Committee members shall select a chairperson and vice-
39 chairperson from the committee membership on an annual basis.

40 (d) The committee shall meet at least quarterly, and may meet at
41 other times at the discretion of the chairperson and committee
42 membership. The committee shall comply with all regulations adopted
43 by the department, including notice of any meeting of the committee,
44 pursuant to the requirements of chapter 54.

45 (e) On or before July 1, 2003, the Department of Social Services, in
46 consultation with the Medicaid and Pharmaceutical Therapeutics
47 Committee, shall adopt a preferred drug list for use in the Medicaid
48 and ConnPACE programs. To the extent feasible, the department shall

49 review all drugs included in the preferred drug list at least every
50 twelve months, and may recommend additions to, and deletions from,
51 the preferred drug list, to ensure that the preferred drug list provides
52 for medically appropriate drug therapies for Medicaid and ConnPACE
53 patients. [For the fiscal year ending June 30, 2004, such drug list shall
54 be limited to three classes of drugs, including proton pump inhibitors
55 and two other classes of drugs determined by the Commissioner of
56 Social Services.] The commissioner shall notify the joint standing
57 committees of the General Assembly having cognizance of matters
58 relating to human services, public health and appropriations of the
59 classes of drugs on the list by January 1, 2004.

60 (f) Except for mental-health-related drugs and antiretroviral drugs,
61 reimbursement for a drug not included in the preferred drug list is
62 subject to prior authorization.

63 (g) The Department of Social Services shall publish and disseminate
64 the preferred drug list to all Medicaid providers in the state.

65 (h) The committee shall ensure that the pharmaceutical
66 manufacturers agreeing to provide a supplemental rebate pursuant to
67 42 USC 1396r-8(c) have an opportunity to present evidence supporting
68 inclusion of a product on the preferred drug list unless a court of
69 competent jurisdiction, in a final decision, determines that the
70 Secretary of Health and Human Services does not have authority to
71 allow such supplemental rebates, provided the inability to utilize
72 supplemental rebates pursuant to this subsection shall not impair the
73 committee's authority to maintain a preferred drug list. Upon timely
74 notice, the department shall ensure that any drug that has been
75 approved, or had any of its particular uses approved, by the United
76 States Food and Drug Administration under a priority review
77 classification, will be reviewed by the Medicaid Pharmaceutical and
78 Therapeutics Committee at the next regularly scheduled meeting. To
79 the extent feasible, upon notice by a pharmaceutical manufacturer, the
80 department shall also schedule a product review for any new product

81 at the next regularly scheduled meeting of the Medicaid
82 Pharmaceutical and Therapeutics Committee.

83 (i) Factors considered by the department and the Medicaid
84 Pharmaceutical and Therapeutics Committee in developing the
85 preferred drug list shall include, but not be limited to, clinical efficacy,
86 safety and cost effectiveness of a product.

87 (j) The Medicaid Pharmaceutical and Therapeutics Committee may
88 also make recommendations to the department regarding the prior
89 authorization of any prescribed drug covered by Medicaid in
90 accordance with the plan developed and implemented pursuant to
91 section 17b-491a.

92 (k) Medicaid recipients may appeal any department preferred drug
93 list determinations utilizing the Medicaid fair hearing process
94 administered by the Department of Social Services established
95 pursuant to chapter 54.

96 (l) The provisions of this section shall apply to the state-
97 administered general assistance program.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

Statement of Purpose:

To require the development of a comprehensive preferred drug list,
rather than one limited to three classes of drugs.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]